

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SCOTT C. SMITH,

Plaintiff,

v.

KAREN BRUNSON *et al.*,

Defendants.

Case No. C06-5712FDB/JKA

ORDER DENYING MOTION

This civil rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). This action has been closed and judgment was entered March 8, 2007. Plaintiff appealed to the Ninth Circuit but failed to pay his filing fee and his appeal was dismissed on December 18, 2007 (Dkt # 28).

After judgment had been entered in this case, but before the appeal had been dismissed, Mr. Smith filed a motion for refund of part of the filing fee and a motion to have the filing fee taken from his mandatory prison savings account (Dkt # 15 and 16). The Honorable Judge Burgess denied both motions on the merits (Dkt # 21).

Mr. Smith has filed two improper motions for refund of the a portion of the filing fee since that time (Dkt # 26 and 30). The motions have been referred to the undersigned (Dkt # 31). The

ORDER

1 motions are improper because the action is closed. **Plaintiff is warned that further motion**
2 **practice in closed cases may result in sanctions.**

3 In these motions Mr. Smith argues only “income” can be deducted for payment of the filing
4 fee. He argues monetary gifts sent to him by his family or moneys he receives from other litigation
5 are exempt from collection as payment. Mr. Smith is in error. The motions are **DENIED.**

6 The Clerk is directed to send plaintiff a copy of this Order to plaintiff and counsel for
7 defendants.

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9 DATED this 17 day of April, 2008.

10 /S/ J. Kelley Arnold
11 J. Kelley Arnold
United States Magistrate Judge
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28 ORDER